

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**STERLING SUFFOLK  
RACECOURSE, LLC,**

**v.**

**WYNN RESORTS, LTD, et al.**

**Defendants.**

**Civil No: 18-CV-11963-PBS**

**NOTICE REGARDING MAY 6, 2019 HEARING**

In order to avoid needless repetition at the May 6, 2019 hearing, counsel for Defendants have conferred with one another regarding the division of time and issues. Counsel for Defendants will be prepared to address whatever questions the Court may have, in whatever order the Court prefers. Subject to the Court's preferences, however, counsel for Defendants propose to focus their presentations on Plaintiff's RICO claims, dividing and sequencing the issues as follows:

- **Counsel for the Wynn entities** will address (1) Plaintiff's failure to adequately allege a "pattern" of RICO predicate acts, (2) Plaintiff's failure to file its claims prior to the expiration of the statute of limitations, and (3) Plaintiff's lack of standing and failure to adequately allege proximate causation.
- **Counsel for FBT Everett Realty LLC** will address (1) Plaintiff's failure to adequately allege the supposed association-in-fact enterprise consisting of FBT, the Wynn entities, and the Wynn executives, and (2) Plaintiff's failure to allege any conduct constituting "racketeering activity."
- **Counsel for Steve Wynn** will address (1) the enterprise deficiencies in Plaintiff's Second Claim for Relief, and (2) but-for and proximate causation issues related to individual RICO predicate acts.
- **Counsel for Kimmarie Sinatra** will address any RICO issues that pertain specifically to Ms. Sinatra.
- **Counsel for Matthew Maddox** will address any RICO issues that pertain specifically to Mr. Maddox.
- To the extent not already subsumed within and addressed by their principal presentations, counsel for FBT and counsel for Steve Wynn will be prepared to address any RICO issues specific to FBT and Mr. Wynn, respectively.

Subject to the Court having any further questions, counsel for Defendants intend to rest on their respective briefs as to all other claims and issues.

May 3, 2019

Respectfully submitted,

/s/ Aaron M. Katz  
Joshua S. Levy (BBO# 563017)  
Joshua.Levy@ropesgray.com  
Aaron M. Katz (BBO# 662457)  
aaron.katz@ropesgray.com  
Ropes & Gray LLP  
800 Boylston Street  
Boston, MA 02199  
Telephone: (617) 951-7000

Christopher Weld, Jr.  
cweld@toddweld.com (BBO# 522230)  
Christian G. Kiely (BBO# 684308)  
ckiely@toddweld.com  
Todd & Weld LLP  
One Federal Street, 27<sup>th</sup> Floor  
Boston, MA 02110  
(617) 720-2600

**CERTIFICATE OF SERVICE**

I, Aaron M. Katz, hereby certify that, on May 3, 2019, true and accurate copies of the foregoing were served on counsel for all parties through ECF.

/s/ Aaron M. Katz  
Aaron M. Katz